

REMARKS

Applicant has amended the Claim 1, cancelled the Claims 2-16 without prejudice, added new claims 17-21, amended the specification, and amended the drawings. Applicant respectfully submits that these amendments to the claims, specification, and drawings are supported by the Application as originally filed and do not contain any new matter. Therefore, the Office Action will be discussed in terms of the claims, specification, and drawings as amended.

The Examiner has objected to the drawings. Applicant has amended the specification and also submits new substitute or replacement Figures 5, 11, and 29. Accordingly, Applicant respectfully requests that the Examiner withdraw his objection to the drawings.

The Examiner has objected to the Claims for certain informalities. In view of the amendments to Claim 1 and the additional Claims 17-21, Applicant respectfully submits that these Claims 1 and 17-21 do not contain any informalities and respectfully requests that the Examiner withdraw his objection.

The Examiner has rejected the Claims 1-16 under 35 U.S.C. 101 as being directed to non-statutory subject matter. In view of the amendments to the claims, Applicant respectfully submits that the Claims 1 and 17-21 are statutory subject matter and comply with the requirements of 35 U.S.C. 101.

The Examiner has rejected the claims as being obvious over the article by Kris Hudson to "FrogMagic Leaps Onto Internet".

In reply thereto, Applicant has carefully reviewed the rejection together with the article by Kris Hudson, and respectfully submits that the article by Kris Hudson does not describe or show the method now claimed by Applicant's claims. In particular, Applicant respectfully submits that the article does not show that you can purchase a gift for a recipient from a plurality of dealers on the same website, pay a nomination fee to the dealer selected to order the gift from, pay the dealer selected the remainder purchase price if there is no option to select, pay the dealer the remainder of the purchase price if there is an option to select and the recipient still selects to take the gift order, credit the amount of the purchase price less the nomination fee to the recipient's account if the recipient selects a credit and deduct a service fee from the amount from the credit in the recipient's account if the recipient decides to utilize the credit to purchase a gift for another recipient. In addition, Applicant respectfully submits that the FrogMagic article by Kris Hudson

does not disclose the broker and the brokerage fee and the various calculation methods for calculating the service fee set forth in the new claims 17-21.

In view of the above, therefore, Applicant respectfully submits that the Claims 1 and 17-21 are not obvious over the article by Kris Hudson.

The Examiner has further rejected the Claims 2, 5, 7, 8, and 10 under 35 U.S.C. 103 as being unpatentable over the article by Kris Hudson in view of the tips for returning gifts.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning Applicant's invention and the article by Kris Hudson. In addition, Applicant has carefully reviewed the article entitled "Tips for Returning Gifts" and respectfully submits that it too does not disclose the features of Applicant's invention missing from the Kris Hudson article described above. In particular, Applicant respectfully submits that the article entitled "Tips for Returning Gifts" does not disclose all of the fees, credits, and options set forth in Applicant's Claim 1, the broker and the brokerage fee of Claim 17, and the particular calculations set forth in the Claims 18-21.

In view of the above, therefore, Applicant respectfully submits that the combination of the article by Kris Hudson and the article entitled "Tips for Returning Gifts" is not Applicant's invention as claimed by the Claims 1 and 17-21 and that the Claims 1 and 17-21 are not obvious thereover.

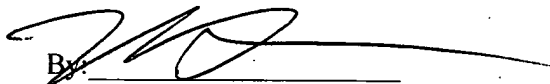
In addition to the above, therefore, Applicant respectfully and retroactively requests a three-month extension of time to respond to the Office Action and respectfully requests that the three-month extension fee of \$510.00 be charged to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

In view of the above, therefore, it is respectfully submitted that this Amendment be entered, favorably considered, and the case passed to issue.

Please charge any additional costs incurred by in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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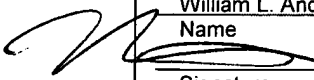
January 28, 2005

Date of Deposit

William L. Androlia

Name

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IN THE DRAWINGS:

Attached hereto are replacement sheets for figures 5, 11, and 29.